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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,267	11/26/2001	Andre Beaudin	13587.32	8609
22913	7590	05/25/2005	EXAMINER	
WORKMAN NYDEGGER (F/K/A WORKMAN NYDEGGER & SEELEY) 60 EAST SOUTH TEMPLE 1000 EAGLE GATE TOWER SALT LAKE CITY, UT 84111			LUGO, DAVID B	
			ART UNIT	PAPER NUMBER
			2637	

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/994,267

Applicant(s)

BEAUDIN, ANDRE

Examiner

David B. Lugo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 12-14 is/are rejected.
- 7) ☒ Claim(s) 4-11 and 15-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/22/02; 6/26/03
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

Page 9, lines 20 and 22, "discriminators 60 and 61" should be --discriminators 60 and 60'--.

Appropriate correction is required.

Claim Objections

2. Claims 1-11 and 13-19 are objected to because of the following informalities:

- a. Claim 1, line 12, "Adders" should be --adders--.

- b. Claim 11 recites the limitation "said accumulation phase" in line 3. There is insufficient antecedent basis for this limitation in the claim.

- c. Claim 13, line 1, "said in said discriminating" should be --said discriminating--.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lillie et al. U.S. Patent 4,675,882 in view of Upadhyay et al. U.S. Patent 6,115,409.

5. Regarding claims 1 and 12, Lillie et al. disclose a receiver in Figure 2 comprising a phase accumulator 204 for outputting an I and Q signal pair based on baseband I and Q inputs, but do not disclose that the receiver is used along with a diversity combiner comprising a discriminator

for producing discriminated I and Q vectors, and adders for adding for each set of sampled vectors, the discriminated I signals to produce a combined discriminated I signal, and the discriminated Q signals to produce a discriminated Q signal.

6. Upadhyay et al. disclose a diversity combiner in Figure 3 comprising an antenna pattern former 30 (Fig. 5) having discriminators 31 for producing discriminated I and Q signals, and adders 32 for producing a combined discriminated I signal and a combined discriminated Q signal from the discriminated I and Q signals (col. 9, line 54 to col. 10 line 3).

7. It would have been obvious to one of ordinary skill in the art to use the teaching of diversity reception disclosed by Upadhyay et al. in the system of Lillie et al. in order to provide diversity reception of the transmitted signals.

8. Regarding claims 2 and 13, the discriminators 31 of Upadhyay et al. are complex discriminators.

9. Regarding claims 3 and 14, the signals in the system of Lillie et al. receives FM signals.

Allowable Subject Matter

10. Claims 4-11 and 15-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, and rewritten to overcome all objections set forth above.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Iinuma U.S. Patent 6,161,001 discloses a diversity reception device where I and Q components for different reception signals are respectively combined.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to David B. Lugo whose telephone number is 571-272-3043. The examiner can normally be reached on M-F; 9:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David Lugo
5/23/05


KHAI TRAN
PRIMARY EXAMINER